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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul Green
Serial No.: 09/389,939
Filed: September 3, 1999
For: FINANCIAL INSTRUMENT FILTERING SYSTEM AND
METHOD THEREFOR
Art Unit: 3627 Attorney Docket No.: 321.5452USU
Examiner: M. Cuff Customer No.: 27623

**DECLARATION OF PAUL GREEN
UNDER 37 CFR §1.181**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

NOW COMES PAUL GREEN who declares:

1. I am the inventor of the above-identified Patent Application.
2. I am familiar with the above-identified Patent Application and the Office Action issued thereon on November 18, 2004, wherein claims 18-24, 26-29, 42-44, 47 and 50-51 of this Application have been rejected under 35 U.S.C. §103(a) as unpatentable over Mathworks.com (February 9, 1999 Internet Publication) in view of Chaudhuri et al (U.S. Patent No. 6,223,171).
3. That U.S. Patent No. 6,223,171 to Chaudhuri et al. has a reference date

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(i.e., filing date) of August 25, 1998, only nine (9) days prior to the priority date of the present application, i.e., September 3, 1998.

4. That the invention as described in the claims of the above-identified Patent Application was conceived in by me in the USA sometime prior to August 25, 1998 and was completely described in Exhibit 1, attached hereto, which was prepared by me sometime prior to August 25, 1998, and which included captured images from my Excel prototype having the invention embedded therein.

6. That the subject matter of claims 18-24, 26-29, 42-44, 47 and 50-51 is set forth in the Exhibit 1 and the filtering step for which the outstanding Office Action has recited U.S. Patent No. 6,223,171 to Chaudhuri et al. is clearly set forth throughout the text and figures of Exhibit 1.

7. That I conceived and reduced to practice, as evidenced by Exhibit 1, the data filtering step sometime prior to the August 25, 1998 filing date of U.S. Patent No. 6,223,171 to Chaudhuri et al.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any related patent.

Date: 11/24/04

Signature: Paul T. Green
Paul Green